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Company of America, Nationwide Assurance
Company, Nationwide General Insurance
Company, Nationwide Insurance Company of
America, and Nationwide Mutual Insurance
Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HABAKKUIA MALONE, RICHARD
MOYER, individually and on behalf of all
those similarly situated,

Plaintiffs,

v.

DEPOSITORS INSURANCE COMPANY,
NATIONWIDE AFFINITY INSURANCE
COMPANY OF AMERICA, NATIONWIDE
ASSURANCE COMPANY, NATIONWIDE
GENERAL INSURANCE COMPANY,
NATIONWIDE INSURANCE COMPANY
OF AMERICA, NATIONWIDE MUTUAL
INSURANCE COMPANY, DOES 1 through
10,

Defendants.

Case No.: 2:21-cv-00574-RFB-BNW

**STIPULATION AND ORDER TO
STAY DISCOVERY**

Plaintiffs Habakkuia Malone and Richard Moyer (“Plaintiffs”) and Defendants Depositors Insurance Company, Nationwide Affinity Insurance Company of America, Nationwide Assurance Company, Nationwide General Insurance Company, Nationwide Insurance Company of America, and Nationwide Mutual Insurance Company (collectively, “Nationwide”), by and through their respective counsel (collectively the “Parties”), for good cause shown, hereby stipulate and agree as follows:

1. On April 9, 2021, Nationwide moved to dismiss Plaintiffs’ Complaint [ECF No. 7] (the “Motion”).

2. Plaintiffs filed their Response to Nationwide’s Motion on May 4, 2021 [ECF No. 17].

3. Nationwide filed a Reply in support of the Motion on May 6, 2021. [ECF No. 18].

4. Pending resolution of Nationwide’s Motion, the Parties agree and stipulate to a stay of discovery including, but not limited to, any discovery obligations set forth in Fed. R. Civ. P. 26 and LR 26-1, in order to preserve judicial and party resources. The Parties are in agreement that a stay of discovery is warranted at this time. Moreover, discovery is not required to resolve the pending Motion.

5. If the Court denies Nationwide’s Motion, in whole or in part, the Parties agree to submit a discovery plan and scheduling order within 30 days after entry of the Court’s order on the Motion.

6. Good cause exists to enter the Parties’ stipulated stay of discovery.

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7. The Parties represent that this stipulation is sought in good faith and not for the purposes of delay.

DATED this 1st day of June 2021.

EGLET ADAMS

/s/ Danielle C. Miller

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Attorneys for Plaintiffs

DATED this 1st day of June 2021.

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Attorneys for Defendants

ORDER

IT IS SO ORDERED.

DATED: June 4, 2021.

UNITED STATES MAGISTRATE JUDGE

Respectfully submitted,

SNELL & WILMER L.L.P.

By: /s/ Richard C. Gordon

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